

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARL THOMAS STEWART, JR.

Petitioner,

v.

DISTRICT ATTORNEY, et al.

Respondents.

CIVIL ACTION NO. 20-4005

ORDER

AND NOW, this 25th day of April 2022, upon consideration of the Report & Recommendation of Magistrate Judge Timothy R. Rice, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**¹;
2. The Petition for Writ of Habeas Corpus is **DISMISSED** with prejudice and without an evidentiary hearing;
3. A certificate of appealability will not issue;² and
3. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

¹ Petitioner filed a petition under 28 U.S.C. § 2241 while he was still in pretrial custody. Petitioner entered a guilty plea to the charges against him two months later, and did not seek appellate review of his conviction and sentence. Thus, as the R&R concluded, the claims relating to his pretrial incarceration are now moot, and to the extent he may have raised claims cognizable under 28 U.S.C. § 2254, those claims must be dismissed for failure to exhaust his remedies in the state courts.

² *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).